IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION CRIMINAL CASE NO. 5:05CR207

UNITED STATES OF AMERICA,)	
Plaintiff,)	
V.)	ORDER
MARCUS L. CHAMBERLAIN,))	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on the "Government's Motion to Find Defendant Chamberlain in Breach of Plea Agreement" (Document No. 108), filed September 20, 2006. This motion was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B), and is now ripe for the Court's consideration.

Having carefully considered the record, the parties briefs and oral arguments, and for the reasons stated in open court, the undersigned will <u>deny</u> the government's motion.

IT IS, THEREFORE, ORDERED the "Government's Motion to Find ... Breach of Plea Agreement" is **DENIED**.

Signed: November 16, 2006

David C. Keesler

United States Magistrate Judge